

### REMARKS

Claims 1-10 are currently pending in this application.

In the June 27, 2006 Office Action, claims 1-8 were rejected. More specifically, the status of the application in light of the Office Action is as follows:

(A) Claims 1 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0003766 to Chen ("Chen");

(B) Claims 2 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of U.S. Patent No. 6,067,319 to Copeland ("Copeland");

(C) Claims 3 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen, and further in view of U.S. Patent No. 6,438,180 to Kavcic et al. ("Kavcic");

(D) Claims 4 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen; and

(E) Claims 9 and 10 are allowed.

In response, Claims 1 and 5 have been amended to specifically indicate that the SINR is calculated using the entire group of training bits and encrypted bits. This is in direct contrast to the Chen publication which clearly indicates that the "ESNR" is calculated using **only 16 "inner bits" of the training sequence**. See Chen, page 4, paragraph 38, lines 10-33; Chen, page 5, paragraph 43 (illustrating summation over only 16 midamble bits). While providing for a more compact digital signal processing calculation, the inventors have found that this type of limited calculation is insufficient for determining **silent frames**. Note that Chen is directed towards detecting **bad frames**. In contrast, the present invention is directed to detecting **silent frames**. Because these two purposes are different, the present invention recognizes that in

order to efficiently and accurately detect silent frames, the SINR should be calculated over the training bits and encrypted bits.

This is not fairly shown in the Chen patent. Thus, Claims 1 and 5 have been amended to specifically require the calculation of the SINR over the encrypted bits and the training bits. Given this amendment, it is respectfully submitted that Claims 1-8 are now in condition for allowance.

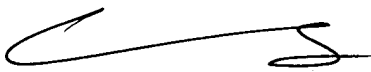
In addition, the specification and Claim 9 has been amended to correct a typographical error during review of the application. No new matter has been added.

### **Conclusion**

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,  
Perkins Coie LLP

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